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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-599

LORI LOE ERICKSON,
a.k.a. LORI ANN LOE
7628 Lily Mar Lane
Antelope, CA 95843

A C C U S A T I O N

Vocational Nurse License No. VN 104283

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about September 17, 1981, the Board issued Vocational Nurse License Number VN 104283 ("license") to Lori Loe Erickson, also known as Lori Ann Loe ("Respondent"). On December 30, 1989, Respondent's license was revoked, as set forth in paragraph 9 below. On July 23, 1991, Respondent's license was reinstated and Respondent was placed on probation for 2 years on terms and conditions. Respondent's license will expire on May 31, 2013, unless renewed.

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Pursuant to Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct . . .

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license . . .

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Use of Alcoholic Beverages to an Extent or in a Manner

Dangerous or Injurious to Oneself, Others, and the Public)

8. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself, others, and the public and to the extent that her use impaired her ability to conduct her nursing duties safely, as follows:

a. From approximately October 2004 to January 11, 2010, Respondent was employed as a licensed vocational nurse in the Urology Clinic at the University of California, Davis, Medical Center ("UCD") located in Sacramento, California.

b. On or about July 23, 2008, while Respondent was attending to a patient, nurse supervisor J.S. discovered that Respondent had a cup containing orange juice and Vodka. Respondent admitted that the cup contained alcohol, but denied drinking while on duty. Respondent was suspended from her employment for five days for possessing a container with alcohol while on duty.

c. On or about October 27, 2009, Respondent reported for her shift smelling of alcohol. J.S. instructed Respondent to immediately contact her physician to seek help. On approximately October 28, 2009, Respondent arrived at the UCD parking lot smelling of alcohol. The campus police were called and Respondent was advised to go home. J.S. offered to drive Respondent home. While Respondent was gathering her belongings, J.S. observed her cover a bottle of Vodka with a sweater and put the bottle into the backseat of J.S.'s vehicle. Later, Respondent admitted to J.S. and other UCD staff that she drank alcohol at 12:00 a.m. on October 28, 2009, and that when she arrived in the parking lot, she was not able to perform her nursing duties safely. On or about January 11, 2010, Respondent was terminated from her employment for reporting to work while under the influence of alcohol.

d. On May 19, 2010, Respondent was interviewed by the Division of Investigation, Department of Consumer Affairs. Respondent stated, among other things, that she

1 began abusing alcohol when she was in her 30's; that in April 2008, she began attending AA
2 meetings and various in-patient and out-patient alcohol treatment programs; and that when she
3 consumed alcohol, she would drink about a quart of Vodka after coming home from work.

4 **MATTERS IN AGGRAVATION/PRIOR DISCIPLINE**

5 9. To determine the degree of discipline, if any, to be assessed against Respondent,
6 Complainant alleges as follows: On November 29, 1989, pursuant to the Proposed Decision of
7 the Administrative Law Judge adopted by the Board as its Decision in the disciplinary action
8 titled "In the Matter of the Accusation Against: Lori Ann Loe", Case No. 5203, the Board
9 revoked Respondent's license effective December 30, 1989. Respondent admitted as follows:
10 During the months of May and June of 1988, while employed as a licensed vocational nurse at
11 Mercy San Juan Hospital, Sacramento, California, Respondent unlawfully obtained unknown
12 quantities of the controlled substances Damason, Vicodin, Percodan, Tylenol #3, Tylenol #4,
13 Percocet, Valium, Morphine, Demerol, Tylox, and Talwin by misrepresenting that she had
14 withdrawn the medications for various patients, when, in fact, she obtained the controlled
15 substances for her own use; and unlawfully possessed and self-administered unknown quantities
16 of the above listed controlled substances without legal prescriptions for the medications.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Bureau of Vocational Nursing and Psychiatric Technicians
20 issue a decision:

21 1. Revoking or suspending Vocational Nurse License Number VN 104283 issued to
22 Lori Loe Erickson, also known as Lori Ann Loe;

23 2. Ordering Lori Loe Erickson, also known as Lori Ann Loe, to pay the Board of
24 Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
25 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: September 6, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant